

*AUSA Assigned: Troy Clements*

*County of Investigation: Yakima County*

*In Re: Affidavit in support of Complaint*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 30, 2019**

SEAN F. MCAVOY, CLERK

STATE OF WASHINGTON )

) ss

County of Yakima )

**AFFIDAVIT**

1. The Affiant is a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI). The Affiant has been employed by HSI since March of 2009. The Affiant is currently assigned to the HSI Yakima, Washington office. The Affiant's current assignment includes the investigation of firearms related offenses, including violations of Title 18, United States Code, Section 922(g)(1).
2. On or about August 21, 2019, the Affiant was provided Yakima County Sheriff's Office Incident Report 19C14149 and Affidavit for Search 190121 issued in the District Court of the State of Washington in and for Yakima County. The report and affidavit for search, in which Washington State Department of Corrections Officer Jose Gonzalez is the affiant, include the following information:

3. Alvaro Gaitan was convicted in Yakima County Superior Court on August 2, 2016, for two separate counts of Second-Degree Robbery and sentenced to twenty (20) months of confinement and eighteen (18) months of Community Custody/Supervision. Gaitan is currently on active supervision with the Washington State Department of Corrections. Gaitan's community custody conditions require him to report to the Washington State Department of Corrections (DOC), allow home visits by the DOC and be available to monitor compliance with supervision, perform affirmative acts necessary for DOC to monitor compliance with orders, not own, use, or possess any firearms, and maintain law abiding behavior and commit no new crimes.
4. On December 19, 2016, Gaitan signed his standard DOC conditions acknowledging his understanding of the above conditions to include to notify Community Corrections Officer (CCO) of his current address, consent for drug/alcohol testing and that he is subject to search and seizure of his person, automobile, residence and/or other personal property if there is reasonable cause on the part of DOC to believe that he has violated his conditions/requirements or instructions.
5. Gaitan is documented with DOC as a Little Valley Locos (LVL) gang member. LVL is a documented Sureno criminal street gang. On

December 19, 2016, Gaitan signed DOC imposed gang conditions acknowledging his understanding of conditions precluding him from associating with criminal street gang members or associates. Gaitan is also precluded from possessing or displaying gang paraphernalia or displaying or possessing other items associated with or signifying membership in a criminal street gang.

6. On August 9, 2019, Washington State Department of Corrections Officer Jose Gonzalez observed Alvaro Gaitan was outside 402 W. "I" St. in Yakima talking with two other males. Officer Gonzalez, along with DOC Officer Rick Martinez, exited their vehicle and approached Gaitan. Upon the Officers exiting their vehicle, Gaitan was observed physically distancing himself from the other two males Gaitan was standing near.
7. Additional law enforcement personnel arrived, to include DOC Officer Brent Martin and Yakima County Deputy Sheriff Leo Hull. Officer Martin identified one of the males Gaitan was initially observed with as Roberto Zaragoza. Zaragoza is a documented LVL gang member and is on federal supervised release. Deputy Hull identified the second male observed with Gaitan as Masedonio Morales. Morales is also documented LVL gang member.

8. Officer Gonzalez previously arrested Gaitan and knew Gaitan was a known Sureno gang member with the LVL. Officer Gonzalez was aware that Gaitan was currently on DOC supervision and the he had gang conditions that prohibited him from associating with other gang members and from possessing gang paraphernalia. Officer Gonzalez arrested Gaitan for associating with gang members and for possessing gang paraphernalia, a blue bandana. Officer Gonzalez knew from his training and experience that LVL is a Sureno criminal street gang and that they wear the color blue. Gaitan's possession of a blue bandana is consistent with paraphernalia worn by LVL gang members to display their membership in the gang.
9. Gaitan was also found in possession of keys belonging to a Cadillac Escalade parked nearby. Gaitan told Officer Martinez that the Cadillac was his vehicle and that he had driven the vehicle to its current location. A DOC search of the vehicle for gang paraphernalia was subsequently conducted. Officer Gonzalez located DOC paperwork for Gaitan in the vehicle, as well as a Ruger, model P95, 9 mm pistol.
10. The vehicle was impounded and towed to the Yakima County Annex pending a search warrant for the firearm. Gaitan was transported to the Yakima County Jail by Officer Gonzalez and Officer Martin for

violating his conditions of community custody. During transport to jail, Gaitan stated, “fuck it I’m not going to involve my mom in this, that’s my car, that’s my gun.” Officer Gonzalez reminded Gaitan that Gaitan had invoked his rights not to talk and anything he said could be used against him. Gaitan stated he understood. Upon reaching the jail Gaitan stated, “I know what you said, but that’s my car and that’s my gun.”

11. Upon execution of search warrant 190121, multiple items were seized, to include one Ruger, model P95, 9mm pistol. The pistol’s magazine was installed and contained five (5) rounds of ammunition.

12. On August 21, 2019, your Affiant reviewed the criminal history for Alvaro GAITAN (DOB 05-09-1996) and found the following felony convictions:

- 11/01/2017-Yakima County Superior Court, Case Number: 17-1-01247-39, one count of Assault in the Third Degree. Sentenced to eighteen (18) months confinement.
- 08/02/2016-Yakima County Superior Court, Case Number: 15-1-01775-39, two counts of Robbery in the Second Degree. Sentenced to twenty (20) months confinement.

13. Alvaro Gaitan signed the felony judgment and sentences in Yakima County Superior Court Case Numbers 15-1-01775-39 and 17-1-01247-39

acknowledging his status as a person convicted of crimes that were punishable by a term of imprisonment exceeding one year.

14. A firearms nexus examination of the seized Ruger model P95 is pending.

Ruger firearms are believed by the Affiant to be manufactured in multiple production facilities outside the state of Washington and are believed by the Affiant to have traveled in interstate and/or foreign commerce if located in Washington.

I declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



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Jason Corcoran  
Special Agent  
Homeland Security Investigations (HSI)

Sworn to telephonically and signed electronically this 30th day of August, 2019.



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Hon. Mary K. Dimke  
United States Magistrate Judge